

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

NAJMAH TORRES-JUSTINIANO; and
TAMIKA PARKER as Next Friend of
R.T., a minor child, as Wrongful Death
Representatives of Jose Torres,

PLAINTIFFS,

v.

CORECIVIC d/b/a "TROUSDALE
TURNER CORRECTIONAL
FACILITY,";TROUSDALE COUNTY,
TENNESSEE; a Tennessee municipality;
WARDEN MARTEN FRINK, in his
individual capacity; LYBRUNCA
COCKRELL, in her individual capacity;
TALBERT JEFFERSON, in his individual
capacity; and JAQUELINE NORMAN, in
her individual capacity,

DEFENDANTS.

Case No. 3:23-cv-00191

**COMPLAINT FOR VIOLATIONS
OF THE CIVIL RIGHTS ACT OF
1871, 42 U.S.C. § 1983, AND
TENNESSEE COMMON LAW**

**JURY TRIAL DEMANDED
PURSUANT TO FED. R. CIV.
PRO. 38(a) & (b)**

**JOINT MOTION TO CONTINUE THE INITIAL CASE MANAGEMENT
CONFERENCE SCHEDULED FOR MAY 22, 2023, BY SIXTY (60) DAYS**

COMES NOW, Plaintiffs Najmah Torres-Justiniano and Tamika Parker, as Next Friend of R.T. a Minor Child, as Wrongful Representatives of Jose Torres ("Plaintiffs") and Defendants CoreCivic, Warden Martin Frink, and Jaqueline Norman ("Served Defendants"), by and through counsel of record, and hereby files this *Joint Motion to Continue the Initial Case Management Conference Scheduled for May 22, 2023, by Sixty (60) Days*, and in support thereof states as follows:

1. On March 3, 2023, Plaintiffs filed their Complaint. (ECF No. 1).
2. On March 7, 2023, this Court scheduled the Initial Case Management Conference

to take place on May 2, 2023. (ECF No. 4).

3. On March 9, 2023, Plaintiffs filed their First Amended Complaint which only added Defendant Trousdale County to this matter. (ECF No. 6).

4. On March 9, 2023, personal service was executed on the Served Defendants (ECF Nos. 7, 8, 11), and service was accepted on behalf of Defendants Lybrunca Cockrell and Talbert Jefferson purportedly by Cynthia Watts, the Warden's Assistant at the Trousdale Turner Correctional Center. (ECF Nos. 9, 10.)

5. On March 30, 2023, counsel for the Served Defendants, Erin Palmer Polly, consulted with Plaintiffs' counsel, and informed them that Ms. Watts did not have authority to accept service on behalf of Lybrunca Cockrell or Talbert Jefferson as they no longer worked for CoreCivic of Tennessee, LLC. However, Ms. Polly stated that her firm intended to represent these individuals provided that she could locate them and secure their consent and that she would attempt to locate the former employees.

6. On March 31, 2023, the Served Defendants filed their *Motion for Enlargement* (ECF No. 16) which sought until May 3, 2023, for the Served Defendants to respond to Plaintiffs' First Amended Complaint.

7. On April 4, 2023, this Court granted the Served Defendants' motion and subsequently reset the Initial Case Management Conference until May 22, 2023, at 9:30 a.m. (ECF No. 17).

8. On May 3, 2023, the Served Defendants filed their *Answer to First Amended Complaint* (ECF No. 18).

9. On May 10, 2023, Plaintiffs' counsel sought an update regarding Lybrunca Cockrell and Talbert Jefferson from Ms. Polly.

10. On May 11, 2023, Ms. Polly informed Plaintiffs' counsel that she was still

continuing to try to reach the two individuals.

11. On May 12, 2023, while preparing the Parties' proposed case management order in preparation for the Initial Case Management Conference, it came to Plaintiffs' counsel's attention that a summons had not been issued or served to Defendant Trousdale County. At that time, Plaintiffs' counsel consulted with the Served Defendants' counsel regarding seeking this continuance and all Parties agreed it was appropriate.

12. On that same day, Plaintiffs' counsel sought a Summons related to Defendant Trousdale County. (ECF No. 19).

13. On May 15, 2023, this Court issued that Summons and it is currently out for service. Plaintiff anticipates that Defendant Trousdale County will be served this week and will need time to file their answer or motion to dismiss before proceeding to the initial case management conference.

14. No party will be prejudiced by the granting of this motion.

WHEREFORE PREMISES CONSIDERED, Plaintiffs and the Served Defendants, pray this Court enters an Order granting a sixty (60) day continuance of the Initial Case Management Conference.

Respectfully submitted,

/s/ Craig A. Edgington
Craig A. Edgington (TN Bar #38205)
Brice M. Timmons (TN Bar # 29582)
DONATI LAW, PLLC
1545 Union Ave.
Memphis, TN 38104
(901) 278-1004 – Telephone
(901) 278-3111 – Facsimile
craig@donatilaw.com
brice@donatilaw.com

/s/ Erin Palmer Polly
Joseph F. Welborn, III (#15076)
Erin Palmer Polly (#22221)
Terrence M. McKelvey (#36531)
K&L Gates LLP
501 Commerce Street, Suite 1500
Nashville, Tennessee 37201
(615) 780-6700
(615) 780-6799
joe.welborn@klgates.com
erin.polly@klgates.com
terrence.mckelvey@klgates.com
*Counsel for Defendants CoreCivic, Inc.,
Martin Frink, and Jacqueline Norman*

CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been served upon Filing Users via the electronic filing system this May 15, 2023, on the following:

Joseph F. Welborn, III (#15076)
Erin Palmer Polly (#22221)
Terrence M. McKelvey (#36531)
K&L Gates LLP
501 Commerce Street, Suite 1500
Nashville, Tennessee 37201
*Counsel for Defendants CoreCivic, Inc.,
Martin Frink, and Jacqueline Norman*

/s/ Craig A. Edgington